IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

(1)Civil Misc. Writ Petition No. 1140 (M/S) of 2001
(Old No. 11191 of 1999)

Uttaranchal Power Corporation Ltd.,
through Executive Engineer, Electricity
Distribution Division-I, Rural, Dehradun
and another and another ..... Petitioners

Versus

Presiding Officer, Labour Court,
Dehradun and another .... Respondents.

(2)Civil Misc. Writ Petition No. 1141 (M/S) of 2001
(Old No. 11194 of 1999)

Uttaranchal Power Corporation Ltd.,
through Executive Engineer, Electricity
Distribution Division-I, Rural, Dehradun
and another and another ..... Petitioners

Versus

Presiding Officer, Labour Court,
Dehradun and another .... Respondents.

(3)Civil Misc. Writ Petition No. 1142 (M/S) of 2001
(Old No. 11196 of 1999)

Uttaranchal Power Corporation Ltd.,
through Executive Engineer, Electricity
Distribution Division-I, Rural, Dehradun
and another and another ..... Petitioners

Versus

Presiding Officer, Labour Court,
Dehradun and another .... Respondents.

(4)Civil Misc. Writ Petition No.3004 (M/S) of 2001
(Old No. 11198 of 1999)

Uttaranchal Power Corporation Ltd.,
through Executive Engineer, Electricity
Distribution Division-I, Rural, Dehradun
and another and another ..... Petitioners

Versus

Presiding Officer, Labour Court,
Dehradun and another .... Respondents.

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Hon'ble P.C.Verma,J.

All these writ petitions have been filed impugning the award dated 30.04.1998, contained in annexure No.14 to all the writ petition, made by the Labour Court by one and common judgment, holding respondent No.2, in all these writ petitions, workmen of the petitioners and directed the reemployment of workmen, who have been arrayed in the aforesaid writ petitions as respondent No.2 with fifty per cent back wages.

All the aforesaid disputes decided by the impugned award were referred in the following terms:-

> "Whether the termination of the services of applicant/workman (by name with father's name) by the employers from 01.04.1990 is illegal/unjustified? If so, to which relief/benefit the applicant/workman is entitled to and to what extent?"

The disputes were raised by the workmen. Notices were issued to the parties. They filed their written statements and objections and led their evidence before the Labour Court.

According to the workmen, they were engaged on daily wages in September 1977 with the opposite party-establishment. They worked regularly and in the month of January 1990 they were deprived from work to show unnatural break. This dispute was settled between the employers and employees union and under the terms of agreement the workmen were again engaged on muster-roll but on 01.04.1990 they were retrenched without any notice, in violation of provisions of Section 6-N of the U.P.Industrial Disputes Act, 1947. The workmen also pleaded that juniors to them have been retained while the senior workmen have been retrenched. They were working regularly from 1977 and they were entitled to be regularised.

The Labour Court after considering the evidence on record held that the respondents were workmen and their services were terminated without complying the provisions of Section 6-N of the U.P.Industrial Disputes Act.

The Labour Court has also dealt with the issue of delay in reference and I find that on account of delay on the part of the respondents/workmen, in my opinion, there was no justification to award the back wages.

Therefore, the award is modified to the extent that no back wages shall be paid to the respondents/workmen. Also as observed by the Labour Court, the respondents/workmen shall be regularized, if juniors have been regularized.

All these writ petitions are dismissed but it is made clear that the respondents/workmen, in all these petitions, are not entitled to get back wages.

(P.C.Verma, J.)

12.09.2003
P.Singh